

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7930**

**BILL NUMBER: HB 1989**

**DATE PREPARED: Jan 22, 2001**

**BILL AMENDED:**

**SUBJECT:** In-Home Health Care Services.

**FISCAL ANALYST:** Alan Gossard

**PHONE NUMBER:** 233-3546

**FUNDS AFFECTED: X**

**GENERAL  
DEDICATED  
X FEDERAL**

**IMPACT: State**

**Summary of Legislation:** This bill provides that an individual in need of in-home care who is an eligible Medicaid recipient or a participant in the Community and Home Options to Institutional Care for the Elderly and Disabled (CHOICE) program may employ registered personal services attendants to provide attendant care services. The bill exempts from these provisions home health agencies, hospice programs, and health care professionals who practice within the scope of their license. The bill also allows a personal services attendant to perform certain in-home services and medical activities that, in the opinion of the attending physician, meet certain conditions and for which the attendant has received training or instruction on how to properly perform the medical activity from a licensed health professional. The bill requires an individual in need of in-home care and the individual's case manager to develop an authorized care plan. It also requires that appropriate federal Medicaid waivers be sought to permit reimbursement of these services under Medicaid. The bill exempts attendant care services performed by a personal services attendant from the practice of medicine and nursing. It also makes certain other changes.

**Effective Date:** Upon passage; July 1, 2001.

**Explanation of State Expenditures:** The provisions of this bill are estimated to have either no fiscal impact or, potentially, a small savings to the Medicaid and CHOICE programs.

This bill allows an individual recipient in the Medicaid or CHOICE program who is in need of in-home care to be responsible for the recruiting, hiring, training, paying, dismissing, and supervising of a personal services attendant. According to the Division of Disabilities, Aging, and Rehabilitative Services (DDARS), this capability already exists within the CHOICE program.

The state of Kansas has had a similar provision in their Medicaid home and community-based waivers since about 1992. Representatives of the Kansas Department of Social and Rehabilitation Services (Kansas' Medicaid agency) and of the Occupational Center of Central Kansas (a non-profit organization) stated that this provision has been cost effective in their state and has reduced costs to their Medicaid program, largely

due to the reduction in training expenses and overhead required of the Medicaid program.

The bill provides for the collection of registration fees (from in-home attendants) by DDARS within the Family and Social Services Administration (FSSA). DDARS may also collect fees for shipping, handling, and copying expenses. The fees that may be collected are limited by the bill for the initial two-year period of the program. The limits are \$30 for registration fees and \$5 for handling fees.

**Explanation of State Revenues:** See Explanation of State Expenditures, above, regarding fee revenue and federal reimbursement under the cost-shared Medicaid program.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Family and Social Services Administration.

**Local Agencies Affected:**

**Information Sources:** Ms. Margaret Zillinger, Kansas Department of Social and Rehabilitative Services, (785) 296-7010; Ms. Jan Mandella, Occupational Centers of Central Kansas, (785) 825-2675.